



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

April 27, 2015

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes –4/13/15
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARINGS
 - a. (040315-1) The Kittery Town Council moves to hold a public hearing on an application from Kittery Hotels Inc., 2 Gorges Road, Kittery, Maine for a Victualer's License for Ramada, 2 Gorges Road.
 - b. (040315-2) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts for union and non-union increases for salaries/wages and benefits.
 - c. (040315-3) The Kittery Town Council moves to hold a public hearing on a proposed amendment to Title 5 Section 5.10.4 Applicability, of the Kittery Town Code.
 - d. (040315-4) The Kittery Town Council moves to hold a public hearing on proposed amendments to Title 4 Boards, Commissions and Committees, of the Kittery Town Code
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (040315-5) The Kittery Town Council moves to hear a presentation from the Town Manager on the FY'16 Municipal Budget.

c. (040315-6) The Kittery Town Council moves to approve the disbursement warrants.

d. (040315-7) The Kittery Town Council moves to authorize Boy Scouts Troop 307 to use Fort Foster May 8-10, 2015, for their annual camping trip.

e. (040315-8) The Kittery Town Council moves to approve a request from Tom Emerson, Kittery Odyssey of the Mind to hold a tag day fundraiser at the Resource Recovery Facility on May 9th from 9:00 am to 3:00 pm to raise funds for their trip to the Odyssey of the Mind World Finals in East Lansing, MI.

f. (040315-9) The Kittery Town Council moves to approve a renewal application from John Kenneth Reed, 139 Cass Street, Portsmouth, NH for a Malt, Spirituous and Vinous Liquor License for The Corner Pub, 4 Wallingford Square.

g. (040315-10) The Kittery Town Council moves to authorize the Kittery Community Market to hang two banners (1) at Post Office Square from May 28th – October 8th, 2015 and (1) over Rogers Road, in front of the Kittery Community Center from May 18th – June 7th, 2015, as well as placing directional signs at limited locations around Kittery and Kittery Point on Sunday's only from June 7th – October 4th, 2015.

h. (040315-11) The Kittery Town Council moves to approve \$300 to be spent from the Connie Samuels Beautification Fund to purchase plants to be installed at Howell's Park, Traip Academy, Town Hall, the Naval Museum, and Inspiration Park by the Garden Club.

i. (040315-12) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 a.m. and the closing at 8:00 p.m. for the June 9, 2015 Special Municipal Referendum, Town Meeting and School Budget Validation Referendum Elections as recommended by the Town Clerk.

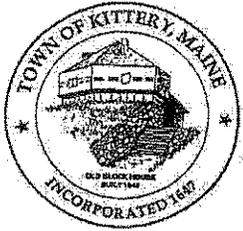
j. (040315-13) The Kittery Town Council moves to sign the warrant for the June 9, 2015, School Budget Validation Referendum Election.

k. (040315-14) The Kittery Town Council moves to sign the warrant for the June 9, 2015, Annual Town Meeting/Secret Ballot vote.

l. (040315-15) The Kittery Town Council moves to sign the warrant for the June 9, 2015, Special Municipal Referendum Election.

14. COUNCILOR ISSUES OR COMMENT
15. COMMITTEE AND OTHER REPORTS
 - a. Communications from the Chairperson
 - b. Committee Reports
16. EXECUTIVE SESSION
17. ADJOURNMENT

Posted: April 23, 2015



TOWN OF KITTEERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

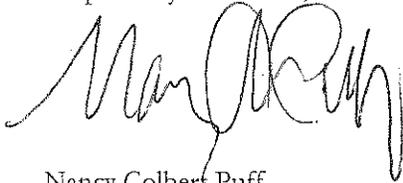
Town Manager's Report to the Town Council April 27, 2015

1. **Urban Compact/Route One Bypass** – DOT has confirmed that they do not believe the Bypass meets the criteria to be included in the compact area at this time. However, we do expect they may present us with an agreement to reimburse us for maintenance efforts on non-compact roads, which may include the Bypass, Route 1 north of Lewis, and a portion of Route 103.
2. **John Paul Jones Park Transfer (LD 780)** – According to Representative Rykerson, LD 780 “was reported out of committee unanimous Ought to Pass as Amended. The amendment said ‘remains as a public park in perpetuity.’”
3. **Japanese Visitors** – Our friends from Amori, Japan arrived here on Friday evening as part of the educational exchange program with the Shapleigh School. On Tuesday, April 28th the Town will host a dinner for them, which will take place at the Fire Station on Gorges Road.
4. **Bowen Road Stair Update** – The Town has prepared a consent agreement with the Clainos’ to implement the recommendations made in November. Code officials and the DPW Commissioner will monitor the work, which is targeted for completion by the end of May.
5. **Sewer Extension Project** – There will be one-lane traffic on Route 236 from 7 am to 2 pm from Monday to Thursday. Flaggers will be on site to facilitate traffic flow.
6. **Shapleigh School Lighting & Smoking** – Some of you were copied on an email regarding a resident’s concern over the parking lot lights being on 24 hours a day at the Shapleigh School, dogs being brought onto the fields there, and a concern about people smoking on the school grounds. The Superintendent is in contact with this resident, and reports that the lights have been adjusted and that awareness/enforcement of the dogs and smoking rules will be addressed by an increased police presence in the area.
7. **Building Permit Expiration** – I want to make the Council aware of a situation that has caused great upset to a person in the process of building a home in Kittery. Title 16, Section 5.4.2 references the permit period for building/regulated activity permits, and notes that if work has not commenced within 6 months of issuance, the permit expires. (The Maine Uniform Building and Energy Code (MUBEC) is based in part upon the International Residential and Building Codes (2009), which state that an issued permit expires after 180 days if work has not commenced.) Notice of the 6-month timeframe is noted on each issued permit. This section also states: “Expired permits may be renewed upon application and payment of a renewal fee.” Appendix A, which outlines all fees set by Town Council, does not specifically list a “renewal fee,” and as a result, we treat an expired permit as we do a new permit, and charge the same fee. As you can imagine, allowing a permit to expire can be a costly error for an unknowing property owner.

Several Maine municipalities treat this situation in the same manner, but others allow for an extension to be issued by the CEO upon written request for good reason, and/or charge a reduced fee for a one-time extension. I have asked our Planning and Code staff to look into this issue and recommend changes if advisable. If any member of Council has input they would like considered, please let me know.

As always, if you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Nancy Colbert Puff". The signature is fluid and cursive, with the first name "Nancy" being the most prominent.

Nancy Colbert Puff

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

April 13, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager’s Report –

Town Manager Puff stated the final meeting for the Athletic Master Field Plan had taken place on April 8th. She continued they were working to come up with a plan to present to Council in June or July.

Town Manager Puff indicated relative to the Urban Compact issue, it had been determined that only a small portion of the bypass met the criteria an MEDOT would not be seeking to have Kittery take over the maintenance of the bypass.

Town Manager Puff noted that the transfer of the John Paul Jones Park had been tabled by the Legislature.

Town Manager Puff indicated relative to the FEMA reimbursement, that they would have an estimate in a few weeks.

Town Manager Puff gave a report on the potholes in town.

Town Manager Puff stated relative to the road inventory and evaluation RFP, they had selected the Beta Group to prepare the plan at a cost of \$39,750.

UNAPPROVED MINUTES

28 Town Manager Puff noted relative to the Resource Recovery Baler bid, they had received
29 seven bids and were continuing to look at them to determine who the lowest, qualified bid was.

30 Town Manager Puff stated the repairs had been made at the KCC from the flood. She
31 continued they were consulting with HVAC professionals to determine their options.

32 Town Manager Puff noted the KCC would be holding a home and garden show on May 2
33 & 3.

34 Town Manager Puff indicated relative to the sewer extension plan that the work had
35 commenced and the complete figure for the project would not be known until it was complete.

36 7. Acceptance of Previous Minutes –3/23/15, 3/30/15, 4/6/15 Special and 3/23/15 Regular.

37 The minutes of 3//23/15, 3/30/15, 4/6/15 Special Meeting and 3/23/15 Regular Meeting
38 were accepted as amended.

39 8. Interviews for the Board of Appeals and Planning Board – None

40 9. All items involving the town attorney, town engineers, town employees or other town
41 consultants or requested officials –

42 a. (030215-1) The Kittery Town Council moves to abate the following taxes for Robert
43 and Natalie Harris: 49-8 \$668.16; 60-12C \$59.36; 66-2D \$10.65; 60-3A \$147.64; 66-2C \$39.58;
44 60-12D \$3.05 and issue supplemental taxes to Central Maine Power for the following parcels:
45 49-8-1 \$668.16; 60-12C-1 \$59.35; 66-2D-1 \$10.66; 60-3A-1 \$147.63; 66-2C-1 \$39.57; 60-12D
46 \$19.79.

47 Attorney McEachern came to the podium and gave a brief history of the parcels in
48 question. He continued that after a lot of work, he believed that the figures were now correct.
49 Councilor Pelletier asked when this issue was first brought to the tax assessor's attention. Mr.
50 Kerns responded he first learned of this last fall. Councilor Lemont asked how many years back
51 they would be able to abate the taxes. Mr. Kerns responded three years. Councilor White noted
52 that he did not think that Council had been able to review all of the information and thought they
53 might want to postpone action until the whole situation could be figured out. Shawn Harris came
54 to the podium and stated that he did not know if these numbers were correct. Attorney
55 McEachern stated that he did not have a problem sitting down with Mr. Harris to try to remedy
56 the problem. Chairperson Thomson suggested that all of the parties involved should get together
57 to figure out the correct taxes for 2012 & 2013.

58 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
59 **6/0.**

UNAPPROVED MINUTES

60 b. (040215-2) The Kittery Town Council moves to review and adopt the proposed
61 decision, order and findings of fact on 40 Old Post Road, Map 8 Lot 25 under the dangerous
62 buildings statute.

63 Chairperson Thomson stated that had an order and findings of fact on this matter.
64 Councilor Dennett indicated he was going to recuse himself from this issue.

65 **CHAIRPERSON THOMSON MOVED TO ADOPT THE PROPOSED DECISION,**
66 **ORDER AND FINDINGS OF FACT ON 40 OLD POST ROAD, MAP 8, LOT 25 UNDER**
67 **THE DANGEROUS BUILDINGS STATUTE, SECONDED BY COUNCILOR**
68 **DENAULT.**

69 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR AND COUNCILOR**
70 **DENNETT RECUSED. MOTION PASSES 5/0.**

71 10. PUBLIC HEARINGS -

72 a. (040215-3) The Kittery Town Council moves to hold a public hearing on an
73 application from Global Montello Group Corp., 800 South Street, Suite 800 Waltham, MA for a
74 Victualer's License for Global Montello Group Corp., 286 Route 1.

75 Chairperson Thomson stated this public hearing was advertised in the local printed media
76 on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard,
77 closed the public hearing.

78 **COUNCILOR LEMONT MOVED TO APPROVE AN APPLICATION FROM**
79 **GLOBAL MONTELLO GROUP CORP., 800 SOUTH STREET, SUITE 800,**
80 **WALTHAM, MA FOR A VICTUALER'S LICENSE FOR GLOBAL MONTELLO**
81 **GROUP CORP., 286 ROUTE 1, SECONDED BY COUNCILOR WHITE.**

82 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
83 **6/0.**

84 b. (040215-4) The Kittery Town Council moves to hold a public hearing on proposed
85 amendments to Section 2.14 Ordinances in general and 6.06 Council action on proposed budget,
86 of the Kittery Town Charter, subject to approval at a Town referendum election to be held on
87 June 9, 2015.

88 Chairperson Thomson stated this public hearing was advertised in the local printed media
89 on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard,
90 closed the public hearing.

91 **COUNCILOR PELLETIER MOVED TO ORDAIN AMENDMENTS TO**
92 **SECTION 2.14 ORDINANCES IN GENERAL AND 6.06 COUNCIL ACTION ON**

UNAPPROVED MINUTES

93 **PROPOSED BUDGET OF THE KITTERY TOWN CHARTER, SUBJECT TO**
94 **APPROVAL AT A TOWN REFERENDUM ELECTION AND TO PUT THIS ITEM ON**
95 **THE JUNE 9TH BALLOT, SECONDED BY COUNCILOR WHITE.**

96 Councilor Dennett stated that he had concerns about this issue.

97 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
98 **6/0.**

99 c. (040215-5) The Kittery Town Council moves to hold a public hearing and hereby
100 ordains an ordinance authorizing a bond issue not to exceed \$1,300,000 to fund road
101 infrastructure capital improvement projects, subject to a Town referendum election to be held on
102 June 9, 2015.

103 Chairperson Thomson stated this public hearing was advertised in the local printed media
104 on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard,
105 closed the public hearing.

106 **COUNCILOR WHITE MOVED ORDAIN AN ORDINANCE AUTHORIZING A**
107 **BOND ISSUE NOT TO EXCEED \$1,300,00 TO FUND ROAD INFRASTRUCTURE**
108 **CAPITAL IMPROVEMENT PROJECTS AND TO PUT THIS ITEM ON THE JUNE 9TH**
109 **BALLOT, SECONDED BY COUNCILOR PELLETIER.**

110 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.**

111 d. (040215-6) The Kittery Town Council moves to hold a public hearing and hereby
112 ordains an ordinance authorizing a bond issue not to exceed \$958,015, to fund municipal
113 facilities capital improvement projects, subject to approval at a Town referendum election to be
114 held on June 9, 2015.

115 Chairperson Thomson stated this public hearing was advertised in the local printed media
116 on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard,
117 closed the public hearing.

118 **COUNCILOR WHITE MOVED TO ORDAIN AN ORDINANCE AUTHORIZING**
119 **A BOND ISSUE NOT TO EXCEED \$958,015 TO FUND MUNICIPAL FACILITIES**
120 **CAPITAL IMPROVEMENT PROJECTS AND TO PUT THIS ITEM ON THE JUNE 9TH**
121 **BALLOT, SECONDED BY COUNCILOR PELLETIER.**

122 Town Manager Puff stated that she hoped that the cost would be lower. Councilor
123 Dennett noted he thought it was too expensive.

124 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
125 **OPPOSED. MOTION PASSES 5/1.**

UNAPPROVED MINUTES

126 e. (040215-7) The Kittery Town Council moves to hold a public hearing and hereby
127 ordains an ordinance authorizing bond issue not to exceed \$821,817 to fund school facilities
128 capital improvement projects, subject to approval at a Town referendum election to be held on
129 June 9, 2015.

130 Chairperson Thomson stated this public hearing was advertised in the local printed media
131 on April 3rd. Chairperson Thomson then opened the public hearing and no response being heard,
132 closed the public hearing.

133 **COUNCILOR DENAULT MOVED TO ORDAIN AN ORDINANCE**
134 **AUTHORIZING BOND ISSUE NOT TO EXCEED \$821,817 TO FUND SCHOOL**
135 **FACILITIES CAPITAL IMPROVEMENT PROJECTS AND TO PUT THIS ISSUE ON**
136 **THE JUNE 9TH BALLOT, SECONDED BY COUNCILOR WHITE.**

137 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
138 **6/0.**

139 11. Discussion

140 a. Discussion by members of the public –

141 Sue Johnson came to the podium and thanked Council for her listening device. She
142 continued that Kittery did not offer trash pickup. Ms. Johnson stated she thought residents
143 should be entitled to it and asked Council to come up with a plan for trash pickup.

144 Milton Hall came to the podium and stated relative the new appointment procedures, he
145 did not see anything regarding the Planning Board member who sits on the KPA. He continued
146 he thought they might want to look at that issue.

147 Colin Matzo came to the podium and read a letter from his wife relative to her support for
148 the school budget.

149 Mary Stevens came to the podium and stated she hoped Council supported the school
150 budget.

151 Sandy Hammel came to the podium and stated she did not support any cuts to the school
152 budget as she had seen families move to other towns for schooling. She continued she thought
153 things were moving in the right direction and thought the presented budget should go to the
154 voters.

155 Sarah Brewer came to the podium and stated she was impressed by the changes made by
156 Superintendent Hutton and that she supported the budget.

157 Amanda Johnson stated her support for the school budget.

UNAPPROVED MINUTES

158 Olivia Lord came to the podium and stated she supported the school budget.

159 b. Response from Chairperson –

160 Chairperson Thomson replied to Ms. Johnson that they would have to increase taxes in
161 order to have trash pickup.

162 12. UNFINISHED BUSINESS –

163 (030215-4) The Kittery Town Council moves to receive a report and recommendation
164 from the Appointment Committee regarding Appointments to Boards and Committees and
165 schedule a public hearing to amend Title 4 of the Kittery Town Code.

166 **COUNCILOR WHITE MOVED TO SCHEDULE A PUBLIC HEARING ON THIS**
167 **MATTER ON APRIL 27TH, SECONDED BY COUNCILOR DENAULT.**

168 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
169 **6/0.**

170 13. NEW BUSINESS

171 a. Donations/gifts received for Council disposition -

172 (040215-8) The Kittery Town Council moves to accept a donation in the amount of
173 \$50.00 from Sarah O. Levin for track use at the Kittery Community Center, and deposit said
174 funds into account #1111-43320, Recreation Revenue.

175 **COUNCILOR PELLETIER MOVED TO ACCEPT A DONATION IN THE**
176 **AMOUNT OF \$50.00 FROM SARAH O. LEVIN FOR TRACK USE AT THE KITTELY**
177 **COMMUNITY CENTER, AND DEPOSIT SAID FUNDS INTO ACCOUNT #1111-43320,**
178 **RECREATION REVENUE, SECONDED BY COUNCILOR DENAULT WITH ALL IN**
179 **FAVOR. MOTION PASSES 6/0.**

180 b. (040215-9) The Kittery Town Council moves to give preliminary approval on the FY
181 '16 School Budget and schedule a public hearing on May 11th to adopt the FY '16 School Budget
182 and to schedule the Budget Validation Referendum for June 9th.

183 **COUNCILOR DENAULT MOVED TO GIVE PRELIMINARY APPROVAL ON**
184 **THE FY '16 SCHOOL BUDGET AND SCHEDULE A PUBLIC HEARING ON MAY**
185 **11TH TO ADOPT THE FY '16 SCHOOL BUDGET AND TO SCHEDULE THE BUDGET**
186 **VALIDATION REFERENDUM ON JUNE 9TH, SECONDED BY COUNCILOR**
187 **PELLETIER.**

UNAPPROVED MINUTES

188 Councilor Dennett indicated he was opposed to the budget as that is not what Council
189 requested.

190 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
191 **OPPOSED. MOTION PASSES 5/1.**

192 c. (040215-10) The Kittery Town Council moves to review and finalize wording on the
193 Warrant Articles for the June 9, 2010 Town Meeting/Secret Ballot Election and make its
194 recommendations on each article.

195 Council indicated their unanimous consent and recommended the warrant articles.

196 d. (040215-11) The Kittery Town Council moves to authorize the release of funds in the
197 amount of \$10,000 from unassigned surplus and to appropriate said funds to be paid out of
198 account #101740-68427 Expense Self-Insurance Claims, to pay the deductible associated with
199 the water damage claim #1 at the Kittery Community Center.

200 **COUNCILOR PELLETIER MOVED TO AUTHORIZE THE RELEASE OF THE**
201 **FUNDS IN THE AMOUNT OF \$10,000 FROM UNASSIGNED SURPLUS AND TO**
202 **APPROPRIATE SAID FUNDS TO BE PAID OUT OF ACCOUNT #101740-68427**
203 **EXPENSE SELF-INSURANCE CLAIMS, TO PAY THE DEDUCTIBLE ASSOCIATED**
204 **WITH THE WATER DAMAGE CLAIM #1 AT THE KITTEERY COMMUNITY**
205 **CENTER, SECONDED BY COUNCILOR WHITE.**

206 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
207 **6/0.**

208 e. (040215-12) The Kittery Town Council moves to approve and sign a Business Card
209 Resolution From to increase the maximum credit card limit to \$40,000 to allow for adding new
210 users and temporary increases if necessary.

211 **COUNCILOR PELLETIER MOVED TO APPROVE AND SIGN A BUSINESS**
212 **CARD RESOLUTION FORM TO INCREASE THE MAXIMUM CREDIT CARD LIMIT**
213 **TO \$40,00 TO ALLOW FOR ADDING NEW USERS AND TEMPORARY INCREASES.**

214 Councilor Dennett and Councilor Denault expressed their disagreement with this issue.

215 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT AND**
216 **COUNCILOR DENAULT OPPOSED. MOTION PASSES 4/0.**

217 f. (0404215-13) The Kittery Town Council moves to nominate the Town Manager to
218 serve on the Southern Maine Planning and Development Commission Executive Committee.

UNAPPROVED MINUTES

219 **COUNCILOR PELLETIER MOVED TO NOMINATE THE TOWN MANAGER**
220 **TO SERVE ON THE SOUTHERN MAINE PLANNING AND DEVELOPMENT**
221 **COMMISSION EXECUTIVE COMMITTEE, SECONDED BY CHAIRPERSON**
222 **THOMSON WITH ALL IN FAVOR. MOTION PASSES 6/0.**

223 g. (040215-14) The Kittery Town Council moves to authorize the Rice Public Library to
224 use the Fort Foster facility (baseball field) on Friday, June 26, 2015 from 8:00 P.M. to 10 P.M. to
225 show an outdoor movie for the opening celebration of their Summer Reading Program.

226 **COUNCILOR WHITE MOVED TO AUTHORIZE THE RICE PUBLIC**
227 **LIBRARY TO USE THE FORT FOSTER FACILITY (BASEBALL FIELD) ON FRIDAY,**
228 **JUNE 26, 2015 FROM 8:00 P.M. TO 10 P.M. TO SHOW AN OUTDOOR MOVIE FOR**
229 **THE OPENING CELEBRATION OF THEIR SUMMER READING PROGRAM,**
230 **SECONDED BY COUNCILOR PELLETIER.**

231 Councilor Dennett indicated he did not think that the parks or DPW should have to fund
232 this and would not vote in favor. Chairperson Thomson stated he agreed with Councilor
233 Dennett.

234 **A ROLL CALL VOTE WAS TAKEN WITH CHAIRPERSON THOMSON,**
235 **COUNCILOR DENNETT, COUNCILOR DENAULT, COUNCILOR LEMONT AND**
236 **COUNCILOR PELLETIER OPPOSED. MOTION DOES NOT CARRY 1/5.**

237 h. (040215-15) The Kittery Town Council moves to resolve to petition MDOT with the
238 Town of Eliot for a traffic light to be installed on Route 236 at the intersection of Bolt Hill Road.

239 Councilor Denault stated he thought this was being presented for added safety and they
240 could split the cost with Eliot. Chairperson Thomson stated he did not know if this would be
241 sending the right message.

242 **CHAIRPERSON THOMSON MOVED TO JOIN ELIOT TO PETITION MEDOT**
243 **TO INVESTIGATE SUPPORT FOR A WORKING TRAFFIC LIGHT AND FOR ALL**
244 **COSTS TO BE INCLUDED IN THE RESEARCH, SECONDED BY COUNCILOR**
245 **WHITE.**

246 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT AND**
247 **COUNCILOR LEMONT OPPOSED. MOTION PASSES 4/2.**

248 i. (040215-16) The Kittery Town Council moves to approve the disbursement warrants.

249 **CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT**
250 **WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR.**
251 **MOTION PASSES 6/0.**

UNAPPROVED MINUTES

252 j. (040215-17) The Kittery Town Council moves to schedule a public hearing in
253 accordance with Section 6.09 (4) of the Kittery Town Charter to transfer appropriations between
254 accounts for union and non-union increases for salaries/wages and benefits.

255 **CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING**
256 **FOR APRIL 27TH, SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR.**
257 **MOTION PASSES 6/0.**

258 k. (040215-18) The Kittery Town Council moves to appoint Mark Drummond to the
259 Port Authority until 8/31/16 to fill the unexpired term of Thomas Smith.

260 **COUNCILOR DENNETT MOVED TO APPOINT MARK DRUMMOND TO THE**
261 **PORT AUTHORITY UNTIL 8/31/16 TO FILL THE UNEXPIRED TERM OF THOMAS**
262 **SMITH, SECONDED BY CHAIRPERSON THOMSON.**

263 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
264 **6/0.**

265 l. (040215-19) The Kittery Town Council moves to appoint a representative to meet
266 with the Chair of the Port Authority to interview Walter Whitman for his appointment to that
267 board until 8/31/18 to fill the unexpired term of Dan Arbo.

268 **CHAIRPERSON THOMSON MOVED TO APPOINT COUNCILOR DENAULT**
269 **TO MEET WITH THE CHAIR OF THE PORT AUTHORITY TO INTERVIEW**
270 **WALTER WHITMAN FOR HIS APPOINTMENT TO THAT BOARD UNTIL 8/31/18**
271 **TO FILL THE UNEXPIRED TERM OF DAN ARBO, SECONDED BY COUNCILOR**
272 **PELLETIER.**

273 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
274 **6/0.**

275 m. (040215-20) The Kittery Town Council moves to endorse a proposal to allocate
276 funding in York County's FY16 Budget to apply for York County become a regional center for
277 the EB-5 Immigrant Investment Program.

278 Town Manager Puff indicated that she was relatively uninformed on this matter and
279 hoped that someone from the program would be there to speak to this issue. Councilor Dennett
280 stated he would not touch this item which Councilor Pelletier agreed with. No action was taken.

281 n. (040215-21) The Kittery Town Council moves to schedule a public hearing on a
282 proposed amendment to Title 5 Section 5.10.4 Applicability.

UNAPPROVED MINUTES

283 **CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING**
284 **ON A PROPOSED AMENDMENT TO TITLE 5, SECTION 5.10.4 APPLICABILITY,**
285 **SECONDED BY COUNCILOR WHITE, WITH ALL IN FAVOR. MOTION PASSES 6/0.**

286 14. COUNCILOR ISSUE OR COMMENT

287 Councilor Denault noted that the KCC sign had come down and hoped it would be put
288 back up within the regulations.

289 Councilor White stated the Planning Board needed to get interviews scheduled as they
290 needed a full board..

291 15. COMMITTEE AND OTHER REPORTS

292 a. Communications from the Chairperson - None

293 b. Committee Reports – None

294 16. EXECUTIVE SESSION – None

295 17. ADJOURNMENT

296 **COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY**
297 **COUNCILOR WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:17 P.M.**

298

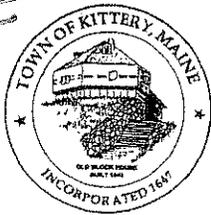
299

300

301

302

303



4/27

TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE

Applicant's name: KITTERY HOTELS INC.
(please print)

Residence Address: 2. Georges Rd, Kittery, ME 03904
(please print)

Applicant's mailing address if different from above: Same

Applicant's Date of Birth: 07.28.1955 Applicant's Home Telephone Number: 207-439-5555

Name of Business: RAMADA
(please print)

Business Address: 2, Georges Road, Kittery, ME 03904
(please print)

Business Telephone Number: 207-439-5555

SIGNATURE OF APPLICANT: [Signature] DATE: 3.12.15

APPLICANT'S NAME: RAJ PATEL
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

PAYROLL TRANSFERS NEEDED

Transfer From:			Transfer to:				
ORG/OBJ	Description		ORG/OBJ	Description	Annual Pay with 1.5% increase	Budgeted with no increase	Amt of Transfer
101110-64031	Salary & Position Adjustment	40,111					
			101110-64011	Town Manager	83,081	81,900	1,181
			101110-64014	Town Clerk	66,724	65,738	986
			101110-64026	Finance Director	84,480	83,232	1,248
			101110-64017	Clerks Wages	190,726	188,569	2,157
							5,572
			101110-64050	MSRS			266
			101110-64051	ICMA			130
			101110-64060	FICA			426
							822
			TOTAL	ADMIN			6,394
							6,394
			10120-64003	Fire Chief	43,361	42,720	641
			101320-64020	Firefighters	87,085	85,798	1,287
							1,928
			101110-64060	FICA			147
			TOTAL	FIRE DEPT			2,075
							2,075
			101210-64002	Assessor	79,408	78,235	1,173
			101210-64010	Development Asst	35,975	35,443	532
							1,705
			101210-64050	MSRS			92
			101210-64051	ICMA			32
			101210-64060	FICA			123
							247
			TOTAL	ASSESSING			1,952
							1,952
			101710-64005	CEO	65,879	64,909	970
			101710-64050	MSRS			76
			101710-64060	FICA			74
							150
			TOTAL	CODE			1,120
							1,120
			101721-64006	Planner	73,201	72,120	1,081
			101721-64017	Asst Planner	44,272	43,597	675
			101721-64018	Asst CEO	46,689	45,978	84
							1,840
			101721-64050	MSRS			7
			101721-64051	ICMA			105
			101721-64060	FICA			141
							253
			TOTAL	PLANNING			2,093
							2,093
			101410-64004	PWC	29,711	29,272	439
			101410-64015	Admin Asst	43,474	42,831	643
			101410-64010	Full Time	423,585	417,340	6,245
							7,326
			101410-64050	MSRS			571
			101410-64060	FICA			560
							1,132
			TOTAL	HIGHWAY			8,458
							8,458
			101735-64007	PWC	12,733	12,545	188
			101735-64010	Full Time	44,383	44,227	156
							344
			101735-64050	MSRS			27
			101735-64060	FICA			26
							53
			TOTAL	FT FOSTER			397
							397
			101730-64007	PWC	8,489	8,362	127
			101730-64010	Full Time	40,338	39,750	588
							715
			101730-64050	MSRS			56
			101730-64060	FICA			55
							110
			TOTAL	IN TOWN PARKS			825
							825
			101930-64009	PWC	33,955	33,453	502
			101930-64010	Full Time	131,029	129,264	1,765
							2,267
			101930-64050	MSRS			177
			101930-64060	FICA			173
							350
			TOTAL	RES RECOVERY			2,617
							2,617
			101830-64008	Recreation Director	74,412	73,313	1,099
			101830-64009	Asst Rec Director	53,485	52,695	790
			101830-64012	Rec Supervisor	42,121	41,498	623
			101830-64010	EE Supervisor	39,222	38,642	580
			101830-64024	Head Custodian	41,675	41,059	616
			101830-64013	Lead Teacher	31,668	31,200	468
			101830-64014	Lead Teacher	27,446	27,040	406
			101830-64015	Sports Coordinator	32,956	32,469	487
							5,068

PAYROLL TRANSFERS NEEDED

ORG/OBJ	Description	ORG/OBJ	Description	Annual Pay with 1.5% increase	Budgeted with no increase	Amt of Transfer	
		101830-64050	MSRS			395	
		101830-64060	FICA			368	
			TOTAL RECREATION			783	
						5,851	5,851
		101310-64023	Lieutenant	75,166	74,055	1,111	
		101310-64016	Dispatch	306,267	300,043	6,224	
						7,335	
		101310-64050	MSRS			256	
		101310-64051	ICMA			177	
		101310-64060	FICA			561	
			TOTAL LT / DISPATCH			994	
						8,329	8,329
			TOTAL TRFRS				40,111
			TOTAL BUDGET				70,102
			TOTAL REMAINING				29,991



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1329 Fax: 207-439-6806

REPORT TO TOWN COUNCIL

Meeting Date: April 13, 2015
From: Chris Di Matteo, Town Planner
Subject: Town Code, Title 5 Amendment – Re-adoption of Use of the Public Way.
Outdoor Seating in the Mixed Use- Kittery Foreside Zone
Councilor Sponsor: Jeffery Thomson, Town Council Chair
Enclosure 1: Code Amendment

EXECUTIVE SUMMARY

Amendment of the Town Code, Title 5 Businesses and Licenses, to allow for seasonal outdoor seating and tables in the public right-of-way in the Mixed Use- Kittery Foreside Zone.

STATEMENT OF NEED

Town Council adoption of the Town Code amendment is required to make permanent the code that has been extended yearly since 2012. The code expired on December 31, 2014. Town Council adoption will continue to improve Kittery Foreside's street-side presence and business vitality by enabling seasonal outdoor seating and tables in the public right-of-way where appropriate.

BACKGROUND

Town Council last adopted an amendment to extend the Public Way ordinance on May 20, 2014. Since 2012 property owners have taken advantage of the program with welcomed success. Most notable is AJ's Wood Grill Pizza that has provided outdoor seating and tables in Kittery Foreside.

The Planning Board is in support of having no sunset provision with this amendment.

There have been no reported issues with the use of the public way.

The code amendment in the proper form and format for passage is included. (encl) Note, proposal is not underlined as with new amendments since there are no new changes with the exception of removing the sunset provision. (Line 59)

FACTS BEARING ON THE EQUATION

(See above)

CURRENT SITUATION (STATUS WITH TOWN COUNCIL)

Need to schedule a public hearing prior to final Town Council action.

PROPOSED SOLUTION/RECOMMENDATION

**MOVE TO SCHEDULE A PUBLIC HEARING ON A TOWN CODE AMENDMENT TO TITLE 5
BUSINESSES AND LICENSES, SECTION 5.10 USE OF THE PUBLIC RIGHT-OF-WAY IN THE MIXED
USE- KITTERY FORESIDE ZONE.**

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

(See above)

1 **Enclosure 1:**

2
3 **Town of Kittery, Maine Town Code Title 5 – Re-adopt Title 5.10 with no sunset**
4 **provision**

5
6 **Chapter 5.10**

7
8 **5.10.1 Title. USE OF THE PUBLIC WAY**

9 This chapter is known as the Use of the Public Way ordinance.

10
11 **5.10.2 Intent and Purpose.**

12 A. It is the purpose of this chapter to promote more attractive, communal, orderly and
13 functional pedestrian-oriented streetscapes, including outdoor benches, seating, tables
14 and chairs. Site furnishings shall be furnished and maintained by the business/property
15 owners and merchants for public use and are not for the exclusive use of the patrons of
16 a particular business.

17 B. In return for the privilege of use of the public way, merchants and business/property
18 owners are expected to self-police themselves to provide and maintain said site
19 furnishings according to their submitted sketch plan and approved Use of Public Way
20 Permit.

21 C. This chapter is further intended to specifically prevent unsafe passage of pedestrians
22 that could occur along sidewalks that are compromised by the use of site furnishings.

23
24 **5.10.3 Definitions.**

25 Terms, phrases and words in this chapter have the meaning given herein or, if not
26 defined, are given their ordinary accepted meaning:

27
28 **Public Way** means the area between the street curb (or edge of street pavement if curb
29 does not exist) and the property line. If a land title survey or other official documentation
30 demonstrating the location of the property line is not provided, it will be assumed that the
31 public way extends to the building façade.

32
33 **Site furnishings** means those elements and site amenities that are shown on the site
34 plan that accompanies the Use of the Public Way permit and approved by the Code
35 Enforcement Officer (CEO) and Town Planner. Such elements may include, but are not
36 limited to: benches, tables, chairs, umbrellas, bicycle racks, and trash receptacles.
37 Excluded elements include: vending and soda machines, refrigerated cabinets, ice
38 machines, freezer chests and other like appliances. There will be no signage and/or
39 advertising associated with the site furnishings unless as reviewed and approved by the
40 CEO and Town Planner per Town Code Title 16, Chapter 8, Article X Signs.

41
42 **Use of the Public Way Plan** is the map identifying those properties the Town Council
43 deems eligible to apply for a permit to use the Public Way, as defined within this
44 Chapter, without prior Town Council approval.

45
46 **Pedestrian Access Route (PAR)** must be free of obstructions and, at a minimum,
47 include the following:

- 48 1. Surfaces must be firm, stable, and slip resistant. Concrete or asphalt must be free of
49 holes and depression. Gratings, access covers, and other appurtenances must not
50 be located on curb ramps, landings, and gutters within the PAR;
51 2. Width clearance must be 4 feet minimum, with a continuous passing width of 5 feet;
52 3. Passing width at a 200-foot intervals must be 5 feet by 5 feet minimum;
53 4. Vertical clearance must be 7 feet in height

54

55

56

57 **5.10.4 Applicability.**

58 The regulations of this chapter apply only to those properties located in the Mixed Use -
59 Kittery Foreside Zone, ~~and through calendar year 2014.~~

60

61

62

63 **End**

1 **Title 4 BOARDS, COMMISSIONS and COMMITTEES**

2
3
4 **Chapter 4.1 ESTABLISHMENT**

5 Town governance requires attention to many demands pursuant to Federal law, Maine Revised
6 Statutes, and the Town Charter. In order to provide for that range of requirements and make
7 provision for citizen participation in community affairs the Boards, authority, commissions and
8 committees addressed herein, are hereby established.
9

10 **Chapter 4.2 SELECTION PROCEDURES FOR COUNCIL APPOINTMENTS**

11
12 **4.2.1. Purpose.**

13 When subject to council appointment, members of Town Boards, which term includes authority,
14 commission, committee (both standing and ad hoc), and trust are selected using the following
15 procedures.
16

17 **4.2.2 Objectives.**

18 There are certain general objectives which are critical to the successful functioning of council-
19 appointed Boards among these are:
20

21 A. That Boards always have available to them candidates for membership who are qualified for
22 the unique needs of that Board.
23

24 B. That each Board maintain the independent posture needed to encourage the free and open
25 dialogue crucial to its function; and
26

27 C. That all volunteers are shown the appreciation of the community regardless of whether or not
28 they are appointed to a particular Board.
29

30 **4.2.3 Procedures.**

31 To achieve these goals, the following procedures for the selection of Board members are
32 adopted:
33

34 A. A ~~pool~~ list of applicants will be maintained by the Town Clerk.
35

36 B. Volunteers must complete an application indicating on which for each Boards they wish to
37 serve, and in which order of preference. Applicants will be listed in order of precedence set
38 by the date-time of receipt of the completed application by the Town Clerk. Applicants are
39 eligible to serve only one primary board at a time (unless acting as an official designee to
40 another board). Primary boards are defined as follows: Board of Appeals, Board of
41 Assessment Review, Capital Improvement Program, Conservation Commission, Parks
42 Commission, Planning Board, and Port Authority. All other boards are considered secondary.
43 Service on secondary boards is limited to no more than three.
44

45 C. No Town employees may be appointed to a Board, except when attendance is required in
46 their official capacity.
47

RECODIFICATION – ORDAINMENT – 07/26/2010

48 ~~GD.~~ A member whose term is expiring is given consideration for reappointment first, subject
49 to term limitations for the position, if any. Service for more than one-half of a term is considered
50 a full term for the purpose of calculating term limits. Alternates or associates on a Board will be
51 given first consideration for appointment when an opening occurs, in order of length of service.
52

53 ~~DE.~~ ~~Pool~~ Applicants will be polled for interest for an interview serving on a board when an
54 opening occurs ~~in order of listing precedence.~~ Those ~~refusing declining~~ may opt to remain on
55 the list and will be placed back on the list as of the date of ~~refusal declining.~~
56

57 ~~EE.~~ Council may waive the interview requirement for reappointments; alternates applying for full
58 membership; and full members applying for alternate status.
59

60 ~~FG.~~ With the exception of the Planning Board and Board of Appeals, eligible applicants are
61 interviewed for a specific Board appointment prior to consideration by the full Council.
62

- 63 1. The interview is conducted by the Chairperson (or designated ~~permanent-regular~~ member)
64 of the applicable Board and by one Council member designated by the Council. Councilor
65 interviewing assignments are rotated so that no one Councilor would be involved in successive
66 interviews for the same Board.
- 67 2. Interviews are considered private.
- 68 3. Only one interview is conducted with each applicant for each position.
- 69 4. Both interviewers must agree to the acceptability of the candidate in order for that
70 candidate's name to be considered by the full Council.
- 71 5. Applicants not recommended to the Council may opt to remain on the list(s) if they so desire.
72 They must notify the Town Clerk in writing of their interest within one week of being notified of
73 the non-appointment, and they will be placed at the bottom of the list. Otherwise, they will be
74 removed from the list.
75

76 ~~GH.~~ The following criteria are used in evaluating candidates:
77

- 78 1. Education
- 79 2. Training and experience
- 80 3. Related experiences
- 81 4. Any potential for conflict of interest
- 82 ~~5. Preference or priority will be given to applicants who are not currently serving on any other~~
83 ~~Board (i.e., if there is more than one applicant and applicants are equally qualified, preference~~
84 ~~will be given to the person not currently serving on another Board.)~~
- 85 5. For reappointments or changes from Alternate to Full Member, attendance (rated as
86 'Excellent', 'Good', or 'Poor' is to be provided by the Chairperson of the Board on the interview
87 form.
88

89 1. Any appointed Board member may be dismissed for cause by the Town Council pursuant to
90 Section 2.07(1) of the Town Charter.
91

92
93 **4.2.4 Planning Board or Board of Appeals Interviews and Appointments.**
94

RECODIFICATION – ORDAINMENT – 07/26/2010

95 A. Applicants will be interviewed for -the Planning Board or Board of Appeals with at least a
96 quorum present at a regular or special Council meeting. If there are multiple applicants for a
97 Board, they will be interviewed by Council as a group including applicant(s) already interviewed.
98

99 B. Criteria listed in Section 4.2.3 H must be used in considering candidates for Planning Board
100 and the Board of Appeals.

101
102 B.C. After the interviews are completed, Council, in open session, and by the following
103 meeting, shall nominate, with a second, discussion and vote on the candidate(s) for the open
104 vacancy.
105

106 C.D. A tie vote on an appointment shall be voted on by Council twice. Following the second
107 tie vote the Council Chairperson shall determine the winner by lot by a coin toss.
108

109 E. Interviewed applicants not appointed may remain on the list if they so desire. They
110 must notify the Town Clerk in writing of their interest within one week of being notified of the
111 non-appointment, and they will be placed back on the list. Otherwise, they will be removed from
112 the list.
113
114

115 **4.2.5 Appointment Exceptions.**
116

117 A. Building Committee – when Council-appointed membership is involved, appointment
118 procedure is determined by the sitting Council.
119

120 B. Charter Commission – procedure is determined by the sitting Council.
121

122 C. Christmas Parade Committee – members recommended by sponsoring group.
123

124 D. Rice Public Library Board of Trustees – application and interview procedure applies, but
125 appointment is made by Library Trustees.
126

127 E. Newly-formed Boards not existing as of November 1, 2000 – procedure is determined by the
128 sitting Council.
129

130 **4.2.6 Other Appointments.**
131

132 ~~A. Town Manager, including related positions held by Manager: Interview by Council as part of~~
133 ~~hiring procedure.~~

134 ~~B. Assistant Code Enforcement Officer, Director of Civil Emergency Preparedness, Plumbing~~
135 ~~Inspector: Recommendation submitted by Town Manager.~~
136

137 ~~Registrar of Voters: Recommendation submitted by Town Clerk.~~
138

139
140 ~~C.A. Shellfish Warden: Application and interview procedure for Boards applies.~~
141

142 ~~D.B. Individual positions not enumerated: Procedure determined by sitting Council.~~

143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190

Chapter 4.3 BOARD OF ASSESSMENT REVIEW

4.3.1 Created – Powers.

The Board of Assessment Review is created pursuant to Article VII of the Town Charter and exercises the powers conferred by that Article.

4.3.2 Membership.

Qualifications of members, their appointment and terms, is governed by Article VII of the Town Charter. Members serve until their successors are appointed and qualified.

Chapter 4.4 CABLE TV RATE REGULATION BOARD

This article is administered by the Cable Television Rate Regulation Board which consists of five members and one alternate appointed by the town council from the qualified voters of the town. Members serve for terms of three years and until their successors are appointed and qualified. Members may be removed by the Town Council for cause after notice and hearing. For the initial terms only, one is appointed for three years, two for two years, and two for one year. The alternate member is appointed for a term of three years. Vacancies are filled by Town Council appointment for the unexpired term.

Chapter 4.5 REGISTRATION APPEALS BOARD

RESERVED

Chapter 4.6 BOARD OF TRUSTEES of TRUST FUNDS

4.6.1 Created-Duties.

A Board of Trustees of trust funds is created to have the care and management of the Mary Stafford Wildes Estate, or any other similar funds.

4.6.2 Membership.

The board consists of five members, the chairperson of the town council and the town clerk to be ex officio members and the clerk to be treasurer of said fund, and three additional members to be appointed by the moderator for one, two and three years respectively; and hereafter each year one member is to be appointed by the Town Council for a three-year term and thereafter for successive three-year terms. Appointed members serve until their successors are appointed and qualified. Appointed member vacancies are filled by town council appointment for the unexpired term.

Chapter 4.7 PERSONNEL BOARD

4.7.1 Established-Composition-Qualifications, Terms, Removal, Compensation of Members-Filling of Vacancies-Duties Generally.

A Personnel Board is established, consisting of five members appointed by the Town Council. A personnel board is established, consisting of five members appointed by the Town Council. No member of the Board may be employed by the town, nor hold or be a candidate for any elective office. Members of the Board serve terms of three years and until their successors are appointed and qualified provided, however, that of the members originally appointed, one shall serve for a term of one year, two for a term of two years, and two for a term of three years. All

191 terms expire on the same date in their respective years. Members serve conditioned only upon
192 good behavior and may be removed for cause after notice and hearing. However, no member of
193 the Board may serve for more than two consecutive three-year terms. Vacancies occurring
194 during a term are filled by the Town Council for the balance of the term. Members of the Board
195 serve without compensation, but funds will be provided for reasonable and necessary expenses.
196 The Board elects its own chairperson. In addition to the duties set forth elsewhere in this
197 chapter, the Board is to:

- 198
- 199 1. Advise the Town Manager on matters of personnel policy and problems of personnel
200 administration, including the development of personnel rules, a job classification plan, and a
201 uniform pay plan;
 - 202 2. Represent the public interest in the improvement of personnel administration in the Town
203 service;
 - 204 3. Make any inquiry which it may consider desirable concerning personnel administration in the
205 Town service, and make advisory recommendations to the Town Manager, with respect thereto.
206

207 **4.7.2 Personnel Board Responsible for Hearing Grievances.**

208 The Personnel Board is responsible for hearing grievances involving employees covered by this
209 chapter in the manner and under the provisions specified by this chapter.
210

211 **4.7.3 Opinions and Decisions of Personnel Board.**

212 All opinions and decisions issued by the Personnel Board are advisory in nature and are issued
213 to the Town Manager and to the employee(s) requesting the grievance hearing or
214 separation/demotion hearing.
215

216 **4.7.4 Function of Personnel Board Generally.**

217 It is not the Personnel Board's function to exclusively represent the interests of the employee or
218 the employer; it is the Board's function to fairly and impartially represent the interests of both
219 parties and to clearly and continually work for the development of mutual respect,
220 understanding, and cooperation between the parties.
221

222 **Chapter 4.8 SHELLFISH CONSERVATION COMMITTEE**

223 The shellfish conservation program for the town is administered by the shellfish conservation
224 committee consisting of seven full members and two alternate members appointed by the Town
225 Council for terms of three years. Members serve until their successors are appointed and
226 qualified. Vacancies are filled by town council appointment for the unexpired term.
227

228 The Committee's responsibilities include:

- 229
- 230 A. Establishing annually in conjunction with the department of marine resources the number of
231 shellfish digging licenses to be issued;
232
 - 233 B. Surveying each clam-producing area at least once every three years to establish size
234 distribution and density and annually estimating the status of the Town's shellfish resources;
235
 - 236 C. Submitting to the Town Council proposals for the expenditures of funds for the purpose of
237 shellfish conservation;
238

RECODIFICATION – ORDAINMENT – 07/26/2010

- 239 D. Keeping this chapter under review and making recommendations for its amendments;
240
241 E. Securing and maintaining records of shellfish harvest from the Town's managed shellfish
242 areas and closed areas that are conditionally opened by the department of marine resources;
243
244 F. Recommending conservation closures and openings to the Town Council in conjunction with
245 the area biologists of the department of marine resources;
246
247 G. Submitting an annual report to the municipality and the department of marine resources
248 covering the above topics and all other committee activities.
249

250 **Chapter 4.9 CONSERVATION COMMISSION**
251

252 **4.9.1 Appointment-Purpose.**

253 Pursuant to the provisions of 30-A, M.R.S. §3261, the Town Council is to appoint a
254 Conservation Commission for the protection and use of the natural resources located within the
255 territorial limits of the Town.
256

257 **4.9.2 Duties.**

258 The commission is to:
259

260 A. Keep an index of all open areas within the municipality, whether publicly or privately owned,
261 including open marshlands, swamps and other wetlands, for the purpose of obtaining
262 information relating to the proper protection, development or use of those open areas.
263

264 The commission may recommend to the municipal officers or any municipal body or Board, or
265 any body politic or public agency of the state, a program for the better protection, development
266 or use of those areas, which may include the acquisition of conservation easements;
267

268 B. Conduct research, in conjunction with the Planning Board, into the local land areas;
269

270 C. Keep records of its meetings, finances and activities and make an annual report to the
271 municipality; and
272

273 D. Seek to coordinate the activities of conservation bodies organized for similar purposes.
274

275 **4.9.3 Powers.**

276 The Commission may:
277

278 A. Make recommendations for use of land to the planning Board and park commission;
279

280 B. Prepare and print books, charts, maps, and plans as it deems necessary;
281

282 C. Serve as an advisory body to the public works department to review and advise, at least
283 twice a year, at the call of the Town Manager, in conjunction with the management plan and
284 maintenance of public parks and shade trees in public parks;
285

286 D. With the approval of the majority of the Town Council, receive gifts in the municipality's
287 name for any of the commission's purposes and administer the gift for those purposes, subject
288 to the terms of the gift; acquire land or easements and trusts, and accept gifts of land or money
289 or easements, for conservation purposes; and
290

291 E. Develop and implement a management plan for Rogers Park with approval of the Town
292 Council.
293

294 **4.9.4 Membership.**
295

296 A. The town council may appoint at least three, but not more than seven, conservation
297 commissioners. The commissioners are selected from the qualified resident voters of the town.
298 Members are initially appointed for terms of one, two and three years, such that the terms of
299 approximately one third of the members will expire each year. Their successors are appointed for
300 terms of three years each. Members serve until their successors are appointed and qualified.
301 Vacancies are filled by town council appointment for the unexpired term.
302

303 B. The Commission may recommend to the municipal officers that associate members be
304 appointed to assist the Commission as the Commission requires. Associate members are
305 nonvoting members, except when a quorum is absent. Their terms of office are to be for one,
306 two or three years. Associate members are selected from the qualified resident voters of the
307 Town.
308

309 **Chapter 4.10 PARKS COMMISSION**
310

311 **4.10.1 Purpose.**

312 The Town Council may appoint a Parks Commission to provide ongoing citizen
313 recommendations relating to the improvements or development of Town-owned property that is
314 or is likely to be developed into Town parks to insure the preservation, beauty and protection of
315 these most valuable sites.
316

317 **4.10.2 Duties.**

318 The Commission is to:
319

320 A. Recommend to the Town Council an overall park management plan for the identification,
321 protection, development or use of park lands and facilities;
322

323 B. Meet with the Town Manager to review and advise, at least twice a year, on the status and
324 progress of the park management plan and other pertinent issues;
325

326 C. Coordinate its activities with those of the park, recreation, school and conservation bodies
327 organized for similar purposes;
328

329 D. Keep records of commission finances and activities, post agendas and minutes of meetings
330 and make an annual report to the municipality;
331

332 E. Assure that any recommended changes affecting municipal park properties are made in
333 conjunction with the Conservation Commission;

RECODIFICATION – ORDAINMENT – 07/26/2010

334
335 F. Formulate a commission budget to be presented to the Town Council for approval.
336

337 **4.10.3 Powers.**

338 The Commission may:

339
340 A. Make recommendations for use of the parks and park facilities to the Town Manager and/or
341 the Planning Board;

342
343 B. Prepare and print books, maps and plans as it deems necessary;

344
345 C. With the approval of the majority of the Town Council, apply for grants or receive gifts in the
346 municipality's name for any of the commission's purposes and to administer these grants or gifts
347 for those stated purposes, as specified by the terms of the grant or gift consistent with all
348 appropriate state statutes;

349
350 D. Make recommendations to the Town Council for revisions to the park fee policy and rate
351 schedules.

352
353 **4.10.4 Membership.**

354
355 A. The Commission consists of seven members, qualified under Section 2.07(2) of the Town
356 charter, who have demonstrated an interest in the Town parks and facilities. Members are initially
357 appointed for terms of one, two and three years, such that the terms of approximately one third of
358 the members will expire each year. Their successors will be appointed for terms of three years
359 each. Members serve until their successors are appointed and qualified. Vacancies are filled by
360 town council appointment for the unexpired term.

361
362
363 B. The Commission may recommend to the municipal officers that associate members be
364 appointed to assist the commission, as the commission requires. Associate members are
365 nonvoting members except when a quorum is absent. Their terms of office are to be for one,
366 two or three years. Associate members are selected from the qualified resident voters of the
367 Town.

368
369 **Chapter 4.11: KITTERY PORT AUTHORITY**

370
371 **4.11.1 Establishment.**

372
373 The Port Authority is established by Maine Private and Special law 1961, Chapter 163, as amended, and
374 Town Charter, Article IX.

375
376 **4.11.2 Appointment and Composition.**

377
378 A. The Port Authority consists of seven (7) members, who are Kittery residents serving
379 staggered terms of office of five years.

380
381 B. Six members of the Port Authority are appointed by the Town Council, and the Planning
382 Board appoints one representative to serve on the board.

RECODIFICATION – ORDAINMENT – 07/26/2010

383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398

C. A municipal officer, or spouse thereof, may not serve as a member of the Port Authority.

D. Members serve until their successors are appointed and qualified.

E. No member may serve more than 2 consecutive terms of 5 years. Any member who has served 2 consecutive terms of 5 years is ineligible to serve on the Board for a period of 1 year. Computation of term limits commences with the first term of 5 years following the effective date of this provision. Service for more than one-half of a term is considered a full term for the purpose of calculating term limits. Computation of term limits does not include service prior to the effective date of this provision nor to terms of fewer than 5 years after the effective date.

F. Vacancies are filled by Town Council appointment for the unexpired term.

399 **NOTE: Following included for information only:**

400

401 KITTERY PORT AUTHORITY, PRIVATE AND SPECIAL 1961, Chapter 163

Field Code Changed

402

403 **AN ACT Creating the Town of Kittery Port Authority**

404

405 *Be it enacted by the People of the State of Maine, as follows:*

406

407 **Sec. 1. Authority established.** The Town of Kittery Port
408 Authority is established, consisting of and governed by a Board of 7
409 members, 6 of whom are appointed by the Town Council of the Town of
410 Kittery. At least 3 of the appointive members must be permanent
411 residents of the Town of Kittery, and the members serve for a term of
412 5 years, providing that of the first appointment 2 are appointed for a
413 term of one year, one for a term of 2 years, one for a term of 3
414 years, one for a term of 4 years and one for a term of 5 years. The
415 members serve until their successors are appointed and qualified. Any
416 vacancy occurring in the membership of the appointive members is
417 filled by the Town Council for the unexpired term. In addition to
418 the 6 appointive members, a member of the Town Planning Board
419 designated by the chair of the Town Planning Board is a member of the
420 port authority, serving for a term of 5 years or until membership on
421 the planning Board terminates, whichever occurs first. The Board shall
422 elect one of its members as chair, one as a vice-chair and one as
423 secretary. The members of the Board are not entitled to compensation
424 for their services; but their reasonable expenses incurred in the
425 performance of their duties must be paid by the Town of Kittery. The
426 Board has the right to adopt and alter a common seal and to establish
427 bylaws and regulations for the management of its affairs within the
428 meaning of this authority, the laws of the State of Maine and the
429 ordinances of the Town of Kittery.

430

431 **Sec. 2. Purposes.** The Town of Kittery Port Authority, in
432 cooperation with the other appropriate planning and development Boards
433 that may exist in the Town of Kittery, shall:

434

435 **I.** Plan for the maintenance and development of the port, harbor and
436 navigable tidal waters within the jurisdiction of the Town of Kittery,
437 in order to foster and stimulate commercial and recreational use of
438 these areas.

439

440 **II.** Aid in the development of salt water fisheries and associates
441 industries; ship and boat building, repair and storage and associated
442 industries; pleasure boating, swimming and other associated
443 recreational uses of these areas and facilities.

444

445 **III.** Be authorized and empowered to appoint and compensate a harbor
446 master, who will enforce the directives of the authority, such as the
447 placement of moorings, the assignments of anchorage areas and the
448 movement of traffic, and the use of municipally-owned wharves, docks,
449 piers and landings.

450

451 **Sec. 3. Powers and duties.** In order to enable it to carry out the
452 purposes hereof, the authority shall:

453

454 **I.** Have the authority to make all necessary arrangements with other
455 port authorities of the State of Maine, other states and federal
456 departments and agencies for the interchange of business, and for such
457 other purposes as will facilitate and increase the purposes of this
458 authority.

459

460 **II.** Establish offices for the transaction of its business at such
461 places as, in the opinion of the authority, shall be advisable and
462 necessary in carrying out the purposes hereof.

463

464 **III.** Be authorized and empowered to appoint and compensate a harbor
465 master, who will enforce the directives of the authority, such as the
466 placement of moorings, the assignments of anchorage areas and the
467 movement of traffic.

468

469 **IV.** Be authorized to raise funds for defraying the costs of
470 administration and operation of the authority and projects under its
471 supervision, through fund appropriation articles in the Town warrant,
472 submitted for consideration at any Town meeting, and through any and
473 all other sources of revenue authorized by this act.

474

475 **V.** Be custodian of municipally-owned wharves, docks, piers and
476 landings.

477

478 **Sec. 4. Rules and regulations.** Said authority may make such
479 ordinances, rules and regulations touching municipally-owned wharves,
480 docks, piers and landings, port captains, pilots and pilotage, harbors
481 and harbor masters, for the areas herein defined as it may deem proper
482 and from time to time may modify, rescind or alter the same. Said
483 rules and regulations shall have the force and effect of law. Said
484 authority shall fix the fees of pilotage and a table of such fees
485 shall be attached to the commission of each pilot.

486 **Sec. 5. Pilots.** The authority may prescribe the qualifications of
487 pilots, and from time to time appoint and commission, under its hand
488 and seal, as many pilots as it may judge necessary, and remove the
489 same at pleasure, and it shall take from them such security, by bond
490 or otherwise as it may deem proper.

491

492 **Sec. 6. Authority of pilot.** Any pilot appointed by the authority
493 who has given security for the faithful discharge of his duties may
494 take charge of any vessel, except pleasure, coasting and fishing
495 vessels of the United States registry of 150 registered or enrolled
496 tons and under, and except as provided in section 7, and shall pilot
497 such vessel into or out of the river and harbor of the Piscataqua, to
498 ports or locations within the jurisdictional area of this authority,
499 first showing to the master thereof his appointment, if requested.

500
501 **Sec. 7 Fee an offer.** Any master or owner may pilot his own
502 vessel into the area herein defined, but if a pilot shall speak and
503 offer service to a vessel, excepting registered or enrolled vessels of
504 the United States, bound into said area south of a line drawn east and
505 west from Whale's-back lighthouse, or shall offer service to a vessel
506 bound out of said area excepting registered or enrolled vessels of the
507 United States, before they leave the wharf, he shall be entitled to ½
508 of the fee specified in his warrant in case the master declines to
509 employ him, and, on refusal of payment, may sue for and recover same.

510
511 **Sec. 8. Harbor master.** The harbor master appointed by the
512 authority shall have the authority, under the supervision of the
513 authority, to oversee the jurisdictional area of this authority; to
514 preserve and regulate navigation within said waters, to assign
515 moorings, require the same to be kept in safe condition, to require
516 the removal of vessels if necessity or an emergency arises, to inquire
517 into and prosecute all offenses occurring within his jurisdiction and
518 to perform such duties and enforce such regulations as the authority
519 shall prescribe. The harbor master shall have authority to make arrests
520 for offenses under the provisions of this chapter, as other peace
521 officers are authorized to do.

522
523 **Sec. 9. Penalty.** Whoever violates any of the rules or regulations
524 of the authority promulgated under the authority of this chapter, or
525 refuses or neglects to obey the lawful and reasonable orders of a
526 harbor master or resists him in to execution of his duties shall be
527 punished by a fine of not more than \$50. All fines collected under
528 this section shall be forwarded to the port authority and by it
529 applied to the salary of the harbor master.

530
531 **Sec. 10. Definition.** The word "vessel" as used in this chapter
532 shall include boats of all sizes propelled by said, machinery or hand,
533 scows, dredges, shellfish cars and craft of every kind.

534

535 **Sec. 11. Authorization to establish foreign-trade zones and free**
536 **port areas.**

537

538 **I.** Said authority is authorized to make application to the Secretary of
539 Commerce of the United States for the purpose of establishing,
540 operating and maintaining foreign-trade zones in the area herein
541 described, under the Act of Congress passed at the second session,
542 73rd Congress, providing for the establishment, operation and
543 maintenance of foreign-trade zones in ports of entry of the United
544 States, to expedite and encourage foreign commerce, and for other
545 purposes.

546

547 **II.** Said authority shall have full power and authority to select and
548 describe the location of the zone for which application to establish
549 may be made and to make such rules and regulations concerning the
550 operation, maintenance and policing of same as may be necessary to
551 comply with the Act of Congress creating said foreign-trade zones, or
552 as may be necessary to comply with such rules and regulations made in
553 accordance with the Acts of Congress, relating to foreign-trade zones.

554

555 **III.** Said authority shall have full power and authority to lease the
556 right and erect, maintain and operate any structures or buildings or
557 enclosures as may be necessary or proper for the establishing and
558 operating any such foreign-trade zones that might be established in
559 the area herein described under and by virtue of said act of the 2nd
560 session of the 73rd Congress.

561

562 **IV.** The authority hereby granted to said port authority confers on
563 said port authority the right and duty to do all things necessary and
564 proper to carry into effect the establishing, maintaining and
565 operating of foreign-trade zones within the area herein described to
566 comply in full with the provisions of said Act of Congress and all
567 regulations that might be made thereunder.

568

569 **V.** The Town of Kittery Port Authority shall have the power and the duty
570 to establish in the area herein described an area wherein personal
571 property in transit shall be exempt from the provisions of the stock-
572 in-trade tax and other such taxes and customs as are normally levied
573 in a port of entry. For the purpose of this section, personal
574 property in transit through the areas established by this port
575 authority is defined as follows: Goods, wares and merchandise which is
576 (1) moving in interstate or international commerce through or over the
577 areas hereinbefore established, or (2) which was consigned to a
578 warehouse, public or private, within the Town of Kittery, whether
579 specified when transportation begins or afterward.

580

RECODIFICATION - ORDAINMENT - 07/26/2010

581

582 Such property shall not be deprived of exemption because while in the
583 warehouse the property is assembled, bound, joined, processed,
584 disassembled, divided, but, broken in bulk, relabeled or repackaged.

585 The exemption granted shall be liberally construed to effect the
586 purpose of this act. Provided, however, that the warehouse in which
587 said goods, wares or merchandise be stored shall not be owned, in
588 whole, or in part by the consignee or consignor.

589

590 **Sec. 12. Severability.** If any provision of this chapter shall be
591 held invalid, the remainder of the chapter shall not be affected
592 thereby.

593

594 Amended:

595 Private and Special 1963, Chapter 97, §2

596 Private and Special 1993, Chapter 26, §1

4/27

RECEIVED
APR 09 2015
BY:.....

Boy Scouts Troop 307
Kittery Maine

April 9, 2015

Town of Kittery, Council Members

Troop 307 is requesting the permission from the town for our annual camping trip at Fort Foster.

The dates are May 8th - 10th.

We will have our own water and porta pottie as usual.

As always, our Scouts will clean up and leave the fort in better condition, than when we arrived.

Troop 307 thanks you for your consideration.



John Roukes

Scoutmaster Troop 307

To: Chairman Thomson & members of the Kittery Town Council

From: Tom Emerson, on behalf of Kittery Odyssey of the Mind

Dear Members of the Kittery Town Council,

We would like to request permission to hold a tag day at the Kittery Waste Transfer Station for the purpose of raising money to fund a trip to the Odyssey of the Mind World Finals in East Lansing, MI by the three Maine State Champion teams representing Kittery. We would like to hold the tag day on May 9th from 9am to 3pm. Adult supervision will be in place for the entirety of the time the children will be on site and all rules of the facility and instruction by staff will be followed.

Odyssey of the Mind is a creative problem solving competition. Competitors are given a multi-faceted long term problem to solve that may have a structural or mechanical task wrapped around performance & artistic requirements. They are also given a spontaneous problem to test their intuitive intelligence. The lead sponsor of the World Finals is NASA. As you may have discerned from the fact that we have been before the Council each of the past few years making this same request for the same purpose, the Kittery Odyssey of the Mind program is considered a state powerhouse in this competition. In addition to being known for the Shipyard, outlet shopping, fine dining, excellent beer, intriguing history and superb natural beauty, the Town of Kittery is becoming known for the creativity & intelligence of the children raised here.

Students from this community have had the opportunity to exercise their creative talents trying to communicate with teams from China, Korea, Japan, Germany, Poland, Mexico and dozens of states in the US, they've had a chance to explore college campuses in Iowa, Michigan & Maryland and have been able side visits to our Nations Capital, Niagara Falls and the Chicago Zoo.

Thank you for your continued support of the Odyssey of the Mind program. We will endeavor to keep the children focused on the task of raising money on May 9th; because if we leave them to their own devices, they are liable to turn your discarded household items into fanciful, yet sturdy structures, complex vehicles and amazing flying machines!

Kittery Odyssey of the Mind
Creativity in Maine Starts in Kittery

BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 5-15-2015

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV) |
| <input checked="" type="checkbox"/> CLASS A LOUNGE (Class X) | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V) | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor , Corporation, Limited Liability Co., etc.) <u>John Kenneth Reed</u> DOB: <u>7/26/56</u> DOB: DOB: Address <u>139 Cass St.</u> City/Town <u>Bowdoin</u> State <u>NH</u> Zip Code <u>03801</u>	2. Business Name (D/B/A) <u>The Corner Pub</u> Location (Street Address) <u>4 Wallingford Sq</u> City/Town <u>Kittery</u> State <u>ME</u> Zip Code <u>03904</u> Mailing Address <u>Same</u> City/Town _____ State _____ Zip Code _____
Telephone Number <u>603-431-7829</u> Fax Number _____ Federal I.D. # <u>01-0504958</u>	Business Telephone Number <u>207-439-8822</u> Fax Number _____ Seller Certificate # <u>1022789</u>

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 16,000.00 LIQUOR \$ 115,000.00
5. Is applicant a corporation, limited liability company or limited partnership? YES NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: 10:30 AM - 1:00 AM

9. Business records are located at: On Premise

10. Is/are applicants(s) citizens of the United States? YES NO

11. Is/are applicant(s) residents of the State of Maine? YES NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>John Kenneth Reed</u>	<u>7/26/56</u>	<u>Biddisford ME</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Portsmouth N.H.

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES NO

Name: John K Reed Date of Conviction: 1-26-1987

Offense: Assault Location: Kittery ME

Disposition: Guilty

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes No If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES NO

16. Does/do applicant(s) own the premises? Yes No If No give name and address of owner: _____

Jest Realty 23 Random Rd Bedford NH 03110

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

45' x 60' wooden construction, single standing building

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 520' Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES NO

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery Maine on 4-10-2015, 28
Town/City, State Date

Please sign in blue ink

John K. Reed
Signature of Applicant or Corporate Officer(s)
John K. Reed
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

- Class I** Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.
- Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.
- Class II** Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.
- Class III** Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.
- Class IV** Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.
- Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.
- Class X** Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge
- Class XI** Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
_____ City _____ Town _____ Plantation _____ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a pub-

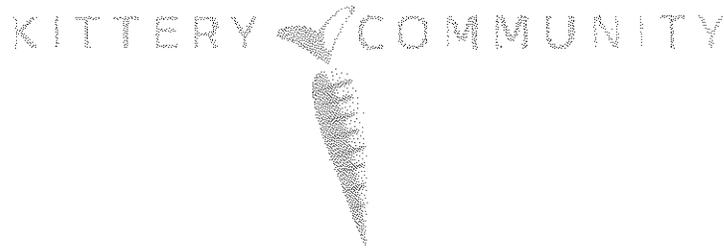
lic hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all li-
censure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. No license to person who moved to obtain a license. (REPEALED)

5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



April 6, 2015

Town of Kittery
200 Rogers Road
Kittery, Maine 03904

RE: 2015 Kittery Community Market

To: Robert Marchi, Code Enforcement Officer
Chris DiMatteo, Town Planner
Nancy Colbert-Puff, Town Manager
Mary Ann Place, Town Clerk
Kittery Town Council
Kittery Planning Board

The Kittery Community Market will kick off its *third* season on June 7, 2015 and would like to ask the Town of Kittery to continue supporting the Kittery Community Market, as a town event, by approving a banner and directional sign locations and posting periods.

Kittery residents have been very supportive of the Kittery Community Market and we are listening to their ideas and suggestions. We would like to make the KCM available to more residents and know Shipyard traffic will be worse for the next couple of years, while work is going on at Gate 1. In response, Kittery Community Market will *move to Sundays, 10:00 a.m. to 2:00 p.m.*, from June 7, 2015 to October 4, 2015 at Post Office Square, in Kittery Center Village. We hope this will allow many more folks to visit the market and enjoy quality community time together.

Kittery Community Market will feature local food vendors offering fresh vegetables, fruits, cut flowers, plants, herbs, eggs, meat, honey, syrup, jellies/jams, breads, granola, baked goods, candy, prepared foods, and more; a variety of local artisans offering their handmade jewelry, pottery, paintings and other fine crafts will be available as well. The KCM hosts a rotating local non-profit space for educational purposes and local fund raising each week. Local musicians will play at the KCM and activities will be provided to engage children at "Kid's Corner".

We are asking local area businesses for sponsorships to offset the operating expenses

of the KCM through the Kittery Maine Improvement Foundation.

The Kittery Community Market continues to carry insurance and our insurance will cover any signs or banners the town will allow KCM to erect within the town.

The Kittery Community Market would like permission to hang 2 banners: (1) at Post Office Square from May 28, 2015 to October 8, 2015 and (1) over Rogers Road, in front of the Kittery Community Center between the Kittery Point Ham and Bean Supper banner and the Kittery Block Party banner. (May¹⁶June⁷)

We are also asking for permission to place directional signs at limited locations around Kittery and Kittery Point to direct people to the Kittery Community Market on Sundays *only*, from June 7, 2015 to October 4, 2015. A list of proposed sign locations is attached.

Thank you for considering our request. We would be happy to answer any questions you may have.

Dot Avery has done a fabulous job getting the Kittery Community Market started and managing the market for 2013-2014. This year, Kris Bowden, will be taking over as Market Manager. Please join us in welcoming Kris to Kittery!! Kris has hit the ground running and we look forward to her enthusiasm and marketing skills to improve the market.

We look forward to a great season and hope to see you this year at the Kittery Community Market!! New day and time: *SUNDAYS 10:00 a.m. - 2:00 p.m.*

Thank you for your support!!

Kris Bowden, KCM Manager
Dot Avery, KCM Advisory Board
Debbie Driscoll, KCM Advisory Board
Jean Lincoln, KCM Advisory Board
Gerry Mylroie, KCM Advisory Board and KMIF

KITTERY COMMUNITY



2015 PROPOSED DIRECTIONAL SIGN LOCATIONS

JOHN PAUL JONES PARK

GOVT STREET

GOVT STREET/STATE ROAD

WALLINGFORD SQ/WALKER (OUTSIDE GATE 1)

WENTWORTH ST/WHIPPLE RD/ROGERS RD

WHIPPLE/WOODLAWN/SHAPLEIGH

WALKER ST/STATE ROAD

MEMORIAL CIRCLE (IN TRIANGLE > KITTERY POINT)

236/STEVENSON/MARTIN ROADS

ROGERS ROAD/SHAPLEIGH ROAD

SHAPLEIGH ROAD/MANSON AVE

HALEY ROAD/ROUTE ONE

LEWIS SQUARE

PEPPERRELL ROAD/CROCKETT NECK

COMING OUT OF GATE 2

OLD POST ROAD/DENNETT ROAD

CORNER BY LADY PEPPERRELL HOUSE

FORT MCCLARY (ACROSS FROM BOTH EXITS)

NEAR DESIGNER SHOWHOUSE (IF THERE IS ONE IN KITTERY)

KITTERY POINT WHARF AREA (KP PO)

LAW OFFICE OF PATRICK S. BEDARD

Practicing Law in Maine and New Hampshire

3 Bradstreet Lane

P.O. Box 366

Elliot, Maine 03903

Tel. 207-439-4502 Fax 207-439-6172

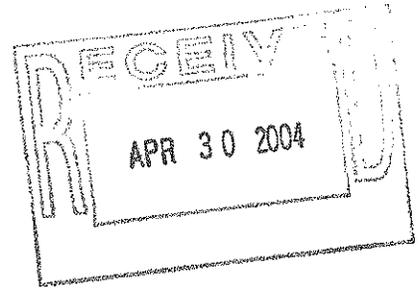
Patrick S. Bedard
psbedlaw@comcast.net

Janet P. Murray, Paralegal
pearlper@comcast.net

April 29, 2004

Via Certified Mail

Maryann Place, Clerk
Town of Kittery
200 Rogers Road Est..
Kittery, ME 03904



Re: Estate of Constance K. Samuels

Dear Ms. Place:

Please be advised that the Town of Kittery was named as a devisee in the Last Will and Testament of Constance K. Samuels, dated December 20, 2002. Therefore, please find enclosed a check in the amount of \$50,000 which represents the instructions in ARTICLE THIRD: 7) of Constance Samuels.

If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

VERY TRULY YOURS,

PATRICK S. BEDARD

Enclosure

COPY

Constance K. Samuels
LAST WILL AND TESTAMENT

I, Constance K. Samuels, of the Municipality of Kittery, County of York, State of Maine, do make, publish and declare this my LAST WILL AND TESTAMENT, and I hereby revoke all Wills and Codicils previously made by me.

FIRST: I am a widow and leave no children.

SECOND: Pursuant to 18-A M.R.S.A. sec. 2-513 (1981), I may leave a written statement or list disposing of certain items of tangible personal property not otherwise specifically disposed of by this will.

THIRD: I give the rest, residue and remainder of my property as follows:

- 1) I give the sum of One Thousand Five Hundred Dollars and No Cents (\$1,500.00) to each child of my niece Terry Colon;
- 2) I give the sum of Five Thousand Dollars and No Cents (\$5,000.00) to my niece Connie Sessa;
- 3) I give the sum of Ten Thousand Dollars and No Cents (\$10,000.00) to my niece, Terry Colon;
- 4) I give the sum of Five Thousand Dollars and No Cents (\$5,000.00) to my Nurse Practitioner, Mara Lamstein;
- 5) I give the sum of One Thousand Dollars and No Cents (\$1,000.00) to my good friend Edith Cunningham of Kittery;
- 6) I give the sum of Five Thousand Dollars and No Cents (\$5,000.00) to my good friend Eleanor Browning of Kittery;
- ✓ 7) I give the sum of Fifty Thousand Dollars and No Cents (\$50,000.00) to the Town of Kittery as trustee of the Connie Samuels Beautification Fund. This initial contribution is to constitute the principal of the fund and is to be held in trust by the Town with the interest from said trust accumulated during the municipal fiscal year to be used by the Town for such beautification project or projects as the governing body of the Town shall exclusively determine in its own discretion. Any interest from this fund unspent by the Town at the end of the municipal fiscal year shall be added to the principal of said fund and shall forever remain part to

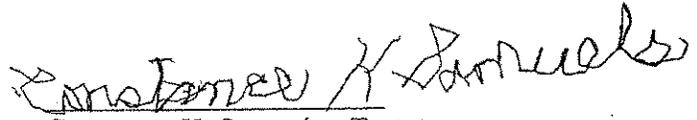
Initials: CS

the principal of the fund; and

- 8) I give and bequeath the rest, residue and remainder of my property to a scholarship fund to be established in my name to be awarded each year to a graduating senior at Traip Academy, or any other high school for Kittery residents, currently Traip Academy. This scholarship gift can be made to Traip Academy or any appropriate trustee used by Traip Academy to hold and make the scholarship gift each year. The scholarship shall be of the interest or investment income only each year, and no principal, and shall be given to a graduating Kittery resident who is attending post-secondary education and is a hard worker, as determined by the faculty of the high school, with preference given to student of Lithuanian descent.

SIXTH: I appoint my Attorney, Mark W. Lawrence, to be my personal representative under this will. If my Mark W. Lawrence is unable or unwilling to serve in said capacity, I appoint Attorney Patrick S. Bedard to be my personal representative.

I, Constance K. Samuels, the Testator, on this 20th day of December, 2002, being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last Will and that I sign it willingly (or direct another to sign for me) as my free and voluntary act and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.


Constance K. Samuels - Testator

We, Barbara J. LeBlanc and Kari L. O'Brien, the witnesses, being first duly sworn, do hereby declare to the undersigned authority that the Testator has signed and executed this instrument as the Testator's last Will and that the Testator signed it willingly (or willingly directed another to sign it for the Testator) and that each of us, in the presence and hearing of the Testator, signs this Will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind and under no constraint or undue influence.

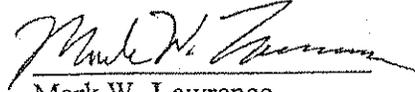

Witness -


Witness -

Initials: 

STATE OF MAINE
COUNTY OF YORK

Subscribed, sworn to and acknowledged before me by Constance K. Samuels, Testator,
and Barbara J. LeBlanc and Kari L. Obensh, witnesses, this
20th day of December, 2002.



Mark W. Lawrence
Attorney at Law

Initials: BJ

ESTATE OF CONSTANCE K. SAMUELS

1009

PAY TO THE ORDER OF

Journ of Kitley

DATE *4-29-04*

62-7450/212

Fifty thousand and no/100

\$50,000.00
DOLLARS



Kennebunk Savings Bank

FOR DEPOSIT ONLY

State of Constance K. Samuels

William W. Wad

⑆001009⑆ ⑆24274502⑆ 33 012582⑆

STATE OF MAINE

YORK COUNTY PROBATE COURT

DOCKET 2004-0191

NOTICE OF INFORMAL PROBATE PROCEEDING

Estate of Constance K. Samuels
Deceased

An application has been filed in this Court by Patrick S. Bedard

PO Box 366 Eliot, ME 03903

Name(s) and address (es) of applicant(s) or petitioner(s)

(Check applicable sections)

a. To probate the Will of Constance K. Samuels

b. To have himself

of Same as above

Name(s) and address(es) of Personal Representative(s)
appointed Personal Representative of this estate.

c. No Personal Representative has been appointed to administer this estate.

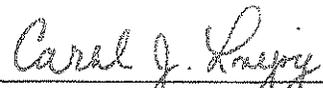
According to our records you are interested in the following capacity or capacities:

- 1. Heir
- 2. Devisee
- 3. Creditor
- 4. Other (explain)

This application has been granted or will be granted if in proper form. If you disagree with the probate of the will and appointment of the Personal Representative, you may begin a formal proceeding.

For a fee of \$ 4.50 you may obtain from this Court, a copy of the Will. Please send a stamped, () self-addressed legal sized envelope to the YORK COUNTY PROBATE COURT at the following address: P.O. Box 399, Alfred, Maine 04002

Dated: March 18, 2004


Register of Probate Pro Tempore

18-A M.R.S.A. § 1-505

YORPROB

Town Council
May 10, 2004

Council Chamber
12

evening events, unless it is the Boy Scout sleep over. Chairman Huntress said with a commercial entity coming in to do the catering, it will take longer than 8:00 p.m. to break things down. He said the rules are in place for a reason and he doesn't see breaking them for this request. Chairman Huntress said he can't vote for this based on the precedent setting aspect. He said until the Council deliberates on doing it this way, with a lot of public input, he can't approve this.

Councilor Estes said according to Mr. Webb's letter, people can park at the gate and walk in to an event. Chairman Huntress said no, because the park closes at dusk.

Councilor Heilshorn said his heart says yes but his head says no. He said there is a new Parks Management Plan coming forward and he hopes this issue will be addressed in that. Councilor Heilshorn said the Town has a valuable resource in Fort Foster and he thought allowing the park to be used would be an opportunity to get some revenue for the Town. He apologized that the Town is not more ahead of the game for Mr. Illig's needs.

Councilor Guy said the Council has appointed Mr. Jankowski as Town Manager, and he just wants to say that Chairman Huntress has done a tremendous job in walking the Council through this process. He said Chairman Huntress did a lot of work and put in a lot of hours that he didn't have to. Councilor Guy said he appreciates those efforts.

12. NEW BUSINESS

A. (050104-4) THE KITTERY TOWN COUNCIL MOVES TO ACCEPT A GIFT FROM THE ESTATE OF CONSTANCE K. SAMUELS IN THE AMOUNT OF \$50,000 TO BE PLACED IN A DEDICATED ACCOUNT ENTITLED THE CONNIE SAMUELS BEAUTIFICATION FUND, TO BE USED BY THE TOWN FOR SUCH BEAUTIFICATION PROJECT(S) IN ACCORDANCE WITH INSTRUCTIONS SET FORTH IN ARTICLE THIRD: 7) OF HER LAST WILL AND TESTAMENT.

COUNCILOR ESTES MOVED THE ITEM, SECONDED BY COUNCILOR GRINNELL.

Councilor Balano said the wording in the Third Article states that this is to be used by the Town for such beautification project or projects as the governing body of the Town shall determine in its own discretion. He said that allows for a lot of latitude. Councilor Balano asked if a workshop should be scheduled to discuss how the Town will handle spending this. Chairman Huntress said only the interest from the fund will be allowed to be spent, which is not a lot of money, so this is more of a seed beautification fund. He thanked the Estate for this donation.

Councilor Dennett noted that Ms. Samuels was Kittery's eldest resident citizen at the time of her death and the holder of the Boston Post Cane. He said presuming this is approved, the Town has to notify the person representing the Estate within 10 days or this will be nullified.

ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.

B. (050104-5) THE KITTERY TOWN COUNCIL MOVES TO APPROVE THE DISBURSEMENT WARRANTS.

A true copy

ATTEST: Maryann Place
Town Clerk

Memorandum

TO: TOWN COUNCIL
FROM: TOWN CLERK
DATE: APRIL 22, 2015
RE: JUNE 9TH ELECTION

This memo is a recommendation and a request for the appointment of Joyce Tobey as Warden and Sandra Lutts as Deputy Warden for the June 9, 2015, Special Municipal Referendum and School Budget Validation Referendum Elections. I am requesting that the polls be open at 8:00 a.m. and close at 8:00 p.m. at the Kittery Community Center, 120 Rogers Road.

/mp

TOWN OF KITTERY
WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S. §1486 AND 2307)

YORK COUNTY SS.

STATE OF MAINE

TO: Theodor G. Short, Constable of the Town of Kittery:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Kittery of the referendum election described in this warrant.

TO THE VOTERS OF THE TOWN OF KITTERY:

You are hereby notified that a **School Budget Validation Referendum Election** will be held at the Kittery Community Center, 120 Rogers Road on **Tuesday, June 9, 2015** for the purpose of determining the following:

Do you favor approving the Town of Kittery School Budget for the upcoming school year that was adopted at the May 11, 2015 Town Council meeting?

The polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this 27th day of April 2015.

MUNICIPAL OFFICERS

A true copy
ATTEST: _____
TOWN CLERK

OFFICER'S RETURN

YORK COUNTY, SS

STATE OF MAINE

I certify that I have notified the voters of Kittery of the time and place for the School Budget Validation Referendum Election, by posting an attested copy of the within warrant at the KITTERY POST OFFICE, KITTERY POINT POST OFFICE, MUNICIPAL OFFICE, AND THE KITTERY RESOURCE RECOVERY FACILITY, within Kittery on _____, 2015, which is at least seven (7) days next prior to election day.

Dated at Kittery on _____, 2015.

Constable of Kittery

**TOWN OF KITTERY
TOWN MEETING WARRANT
JUNE 9, 2015**

To Theodor G. Short, a Constable of the Town of Kittery, in the County of York, State of Maine.

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Kittery in said county and state, qualified by law to vote in town affairs:

To meet at the Municipal Complex Council Chambers in said Town on Monday, the 8th day of June 2015, at 7:00 p.m. to hold a public hearing on Articles 2 through 7.

To act on Article 1 to elect a moderator by written ballot and to act on Articles 2 through 7 by secret ballot at the Kittery Community Center Gymnasium in said town on Tuesday, the 9th day of June, 2015, at 8:00 a.m., as set out below, to wit:

The polls will be open from 8:00 a.m. until 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m. and 8:00 p.m.

Article 1. To elect a moderator to preside at said meeting and to vote by written ballot.

Article 2: Shall the town vote to authorize Town Council to transfer up to \$125,000 from unassigned funds (unencumbered surplus) and appropriate and expend up to \$125,000 when necessary into account #2022 Compensated Absences, to maintain a positive fund balance to pay for accrued vacation and /or sick leave to settle any unpaid benefits owed to retiring employees in FY'16?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The purpose of this article is to provide funds when and if necessary in FY'16, to pay for accrued benefits owed retiring employees. This article transfers funds from the town's unassigned funds (unencumbered surplus) when a municipal employee retires. The reserve account balance is currently \$15,537.04. The purpose of this article in FY'16 is to pay only claims during the year to meet the town's liability and to return the reserve fund to a positive balance.

Article 3: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$25,000 from unassigned funds (unencumbered surplus) when necessary and appropriate and expend up to \$25,000 for the purpose of paying the town's cost on accepted insurance claims against the town?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The article requests exposing up to \$25,000 from the town's unassigned funds (unencumbered surplus) for use, when necessary, to pay the deductible and other associated costs on insurance claims instead of raising an amount from taxation within the town budget.

Article 4: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$100,000 from unencumbered surplus when necessary and appropriate and expend up to \$100,000 for the purpose of providing the town's match to federal, state and non-profit grants?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The Town Council expects continued applications to be filed for grants in a variety of areas by different town departments to assist with the operations and capital purchases. These grants, if successful, often require a local match to be raised. The article requests that up to \$100,000 from the town's surplus be transferred by the Town Council for the local match share of grants when received and accepted by the Town Council.

Article 5: Shall the town vote to authorize Town Council to transfer from unassigned funds (unencumbered surplus) an amount not to exceed \$40,000, when necessary and appropriate, and expend said amount to cover shortfalls in the FY'16 town departments' fuel accounts due to the unpredictable fuel pricing markets?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The article is a result of the review of individual departments' vehicle and heating fuel accounts and the unstable fuel market pricing. This account would provide departments, who have exhausted their allocated fuel budgets, access to emergency fuel funds. The Town Council favored keeping the FY'16 fuel and utility accounts as low as possible, with the concept of this article exposing surplus funds as a safety net in case the market remains unstable.

Article 6: Shall the town vote to authorize Town Council to transfer an amount not to exceed \$40,000 from unassigned funds (unencumbered surplus) when necessary and appropriate and expend said amount for the purpose of providing the town's General Assistance Program as required by town, state and federal laws in FY'16?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: The General Assistance Program is budgeted from the town's operational budget each year. The program assists town citizens with welfare type services by following very strict state and federal guidelines for income eligibility within the General Assistance Ordinance. This article proposes to create a method, as in past years, for the Town Council to keep the General Assistance budget at level funding. If the General Assistance costs exceed the budget, this article would allow the Council to transfer an amount up to \$40,000 from surplus to cover the overage.

Article 7: Shall the Town vote to authorize Town Council to transfer an amount not to exceed \$50,000 when necessary from the unassigned funds (unencumbered surplus) and to appropriate and expend said amount at the discretion of the Town Council to pay for emergency repairs and energy efficiency improvements to town-owned facilities that are not contemplated in the regular FY'16 operating budget?

Town Council Recommends - Vote: Yes 7 No 0

Explanation: Occasionally, repairs to town facilities are needed that have not been budgeted. In addition, energy efficiency projects are being identified to further save the town funds. This Article allows the Town Council the discretion to make emergency facility repairs and undertake energy efficiency projects through the use of up to \$50,000 from the Town's unassigned funds (unencumbered surplus).

The Registrar of Voters will hold office hours while the polls are open to correct any error in, or change a name or address on, the voting list; to accept the registration of any person who becomes 18 years of age on Election Day or after the close of registration prior to it; and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this 27th day of April 2015.

Municipal Officers

A true copy

ATTEST: _____
Town Clerk

RETURN ON THE WARRANT

County of York

State of Maine

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of Kittery, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at the Kittery Post Office, Kittery Point Post Office, Kittery Municipal Office and Kittery Resource Recovery Facility in said town, being public and conspicuous places in said town, on _____, 2015, being at least seven days before the meeting.

Theodor G. Short

Date

**TOWN OF KITTERY
WARRANT FOR SPECIAL MUNICIPAL REFERENDUM ELECTION**

COUNTY OF YORK, SS

STATE OF MAINE

To Theodor G. Short, a constable (or resident) of this municipality:

You are hereby required in the name of the State of Maine to notify the voters of the Town of Kittery of the election described in this warrant:

TO THE VOTERS OF THE TOWN OF KITTERY:

You are hereby notified that the **SPECIAL MUNICIPAL REFERENDUM ELECTION** in this municipality will be held at the **KITTERY COMMUNITY CENTER**, 120 Rogers Road, on **JUNE 9, 2015**, to determine the following:

“Shall the Town of Kittery approve the Charter Amendments reprinted below?”

“Shall the Town of Kittery council be authorized to issue bonds in a total amount not to exceed \$958,015 for the purpose of funding municipal facilities capital improvement projects, including community center renovations, dispatch center upgrades, and a new generator for the municipal offices?”

“Shall the Town of Kittery council be authorized to issue bonds in a total amount not to exceed \$1,300,000 for the purpose of funding road infrastructure capital improvement projects?”

“Shall the Town of Kittery council be authorized to issue bonds in a total amount not to exceed \$821,817 for the purpose of funding school facilities capital improvement projects, including renovations and improvements to Traip Academy and Shapleigh School and improvements to the Mitchell School heating system?”

TREASURER'S STATEMENT

The undersigned Treasurer of the Town of Kittery certifies as follows:

1. Existing and Authorized Debt. As of the referendum date, the total amount of bonds of the Town currently outstanding and unpaid is \$26,476,880. This amount includes all sums that may be borrowed under the Town's \$9,000,000 draw down note issued for sewer infrastructure and extension projects. The total amount of bonds of the Town authorized, but unissued, is \$2,990,025. The total amount of bonds of the Town contemplated to be issued if all three bond questions accompanying this Statement receive voter approval is not in excess of \$3,079,832.00, as described below.
2. Bonding Limit. The total bonding limit of the Town is \$224,790,000; the bonding limit for school debt is \$149,860,000.
3. School Facilities Capital Improvement Bonds. These proposed bonds will be issued to finance various school improvements, including renovations to Traip Academy (estimated \$321,400) and Shapleigh School (estimated \$123,697), and improvements to the Mitchell School heating system (estimated \$350,000). The anticipated average interest rate on the bonds is 2.25%. Assuming the issuance of the full \$821,817 of these bonds, payments over a 10-year term, and an average interest rate of 2.25%, the interest cost associated with the borrowing would be \$101,699.95, which would result in a total cost of principal and interest at maturity of \$923,516.95.
4. Road Infrastructure Capital Improvement Bonds. These proposed bonds will be issued to finance various road improvements. The anticipated average interest rate on the bonds is 2.25%. Assuming the issuance of the full \$1,300,000 of these bonds, payments over a 10-year term, and an average interest rate of 2.25%, the interest cost associated with the borrowing would be \$160,875.00, which would result in a total cost of principal and interest at maturity of \$1,460,875.00.
5. Municipal Facilities Capital Improvement Bonds. These proposed bonds will be issued to finance various improvements, including renovations to the Community Center Annex (estimated \$596,125), dispatch center upgrades (estimated \$311,890), and installation of a generator for the Municipal Offices (estimated \$50,000). The anticipated average interest rate on the bonds 2.25%. Assuming the issuance of the full \$958,015 of these bonds, payments over a 10-year term, and an average interest rate of 2.25%, the interest cost associated with the borrowing would be \$118,554.15, which would result in a total cost of principal and interest at maturity of \$1,076,569.15.
6. The foregoing represents an estimate of costs associated with the financing, and such estimates will change due to market conditions. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimates. If the actual amount of the total debt service for the bonds varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bonds is not affected by reason of the variance.

Nancy Colbert Puff, Treasurer,

The polls shall be opened at 8:00 a.m. and closed at 8:00 p.m.

Absentee ballots will be processed centrally at 9:00 a.m., 10:00 a.m., 11:00 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., 4:00 p.m., 5:00 p.m., 6:00 p.m., 7:00 p.m., and 8:00 p.m.

The Registrar of Voters will hold office hours while the polls are open to correct any error in, or change a name or address on the voting list; to accept the registration of any person who is eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Dated at Kittery this 27th day of April, 2015.

MUNICIPAL OFFICERS

A true copy

ATTEST: _____
TOWN CLERK

OFFICER'S RETURN

YORK COUNTY, SS

STATE OF MAINE

I certify that I have notified the voters of Kittery of the time and place for the Special Municipal Election, by posting an attested copy of the within warrant at the KITTERY POST OFFICE, KITTERY POINT POST OFFICE, MUNICIPAL OFFICE, AND THE KITTERY RESOURCE RECOVERY FACILITY, within Kittery on _____, 2015, which is at least seven (7) days next prior to election day.

Dated at Kittery on _____, 2015.

Constable of Kittery